



W.P.(MD)No.5897 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P.(MD)No.5897 of 2024
and W.M.P.(MD)No.5547 of 2024

Stalin

... Petitioner

Vs.

- 1.The District Revenue Officer,
Tirunelveli,
Tirunelveli District.
- 2.The Revenue Divisional Officer,
Cheranmahadevi,
Tirunelveli District.
- 3.The Tahsildar,
Thisayanvilai,
Tirunelveli District.
- 4.Ranjitha Pushpam
- 5.Thavamani



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WEB COPY 6.Selvajothi

7.Stella

8.Jessy

9.Edison

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records pertaining to the impugned order passed by the 1st respondent by his proceedings in Pa.Mu.Ka.2/U.D.R.33/2022 dated 16.02.2024 and quash the same.

For Petitioner : Mr.V.Sasikumar

For Respondents : Mr.S.Shaji Bino,
Spl. Govt. Pleader for R1 to R3

Mr.B.N.Raja Mohamed for R4 to R9

ORDER

This Writ Petition challenges the order of the first respondent in his proceedings in Pa.Mu.Ka.2/U.D.R.33/2022 dated 16.02.2024. By the said



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proceedings, he directed the inclusion of names of respondents 4 to 9 in the revenue records with respect to Survey No.427/1C.

2. The case of the petitioner is that his wife's ancestors viz., Vel Nadar and Ponnusamy Nadar have purchased the property in the year 1957. They were benefited with the patta by the revenue department. The extent under their holding is around 8 acres and 84 cents. Subsequently, in a partition between said Vel Nadar and Ponnusamy Nadar, the properties were allotted to Ponnusamy Nadar. Ponnusamy Nadar passed away leaving behind his wife, Gnanamani Ammal, daughters, Thilagamalar, Selvamalar and sons, Padmakumar and Selvakumar as his legal heirs. The other legal heirs of Ponnusamy Nadar set forth above executed a release deed in favour of Thilagamalar. Thilagamalar passed away on 25.05.2017, leaving behind the petitioner and son, Arun Pandian and daughter, Ajitha as her legal heirs.

3. After the demise of Thilagamalar, her legal heirs approached the revenue authorities and obtained a patta in their names. The respondent Nos.4 to



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9 have no right, title or interest over the property. The Writ Petitioner pleads that without any right, the husband of the 4th respondent, one, Kovilpitchai had given a petition to include his name in the patta. According to Kovilpitchai, he had obtained title to the property, by virtue of previous document, executed in the name of his father Dhavamani. Pending the proceedings, Kovilpitchai passed away and his legal heirs continued the proceedings.

4. By the impugned order, the District Revenue Officer, Tirunelveli directed the inclusion of the name of legal heirs of Kovilpitchai in patta No.963 in Survey No.427/1C. The authority concluded that during the UDR proceedings, his name had been left out and therefore, he is entitled to be brought on record in the revenue records. Aggrieved by the same, the present Writ Petition.

5. I heard Mr.V.Sasikumar, for the petitioner, Mr.S.Shaji Bino, learned Special Government Pleader for respondents 1 to 3 and Mr.B.N.Raja Mohamed, for respondents 4 to 9.



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WEB COPY 6. Mr.V.Sasikumar, relying upon the judgment in *C.Sabesan Chettiar (Deceased) and Others Vs. District Revenue Officer, Coimbatore and Others* reported in (2012) 1 MLJ 232 urges that where a disputed question of title arise, the appropriate remedy for the parties is to approach the jurisdictional civil Court and not the revenue authorities. He states that the DRO has no jurisdiction to deal with the question of title and the impugned order has been passed by the authority arrogating himself the power of civil Court.

7. Mr.S.Shaji Bino, learned Special Government Pleader appearing for respondents 1 to 3 supports the impugned order stating that whatever mistakes had crept into the records have been rectified by the impugned order and therefore, no interference is necessary.

8. Mr.B.N.Raja Mohammed, pleads that Kovilpitchai's father had obtained the property by way of a registered document and it was the mistake of the revenue authorities in leaving out his name while updating the records. He states that this position has been rectified by the impugned order and therefore, it does not require any interference.



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WEB COPY 9. I have carefully considered the submissions made on either side and gone through the records.

10. It is too well settled position of law, but nonetheless, I have to reiterate where a dispute regarding title arises, the revenue Department cannot declare the right, title or interest of a person. By virtue of inclusion of name of the persons in the revenue records like patta, chitta or adangal, no right is created in favour of a party. It helps only one entity ie., the revenue department, which can call upon the person, whose name is found in the records, to pay the government rightful dues.

11. The Writ petitioner pleads that the entire extent of 8 acres and 84 cents belongs to him by virtue of a sale deed and subsequently, partition deed entered between the predecessors under the sale deed.

12. Per contra, respondents 4 to 9 plead that they too are strengthened by a sale deed under which, they get title to the property. This throws up a disputed



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question of title. One denies the right of the other over the property. This issue has to be properly addressed by the jurisdictional civil Court. Hence, I pass the following order:

(i) The petitioner or respondents 4 to 9 are at liberty to approach the jurisdictional civil Court and seek for appropriate relief including that of title together with injunction or recovery of possession;

(ii) Before the civil Court, the orders passed by the revenue authorities cannot be utilized by either party to stake the claim for the property or assert the title; and

(iii) The civil Court will decide the issue of title independent of the revenue records.



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WEB COPY 13. This Writ Petition is accordingly disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

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Neutral Citation: Yes / No
Index : Yes / No

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